

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:15cv382HSO-JCG

VAUGHN PERRET, CHARLES LEARY &  
DANIEL ABEL, D/B/A TROUT  
POINT LODGE LTD OF NOVA SCOTIA  
& IN THEIR INDIVIDUAL CAPACITIES  
PROGRESS MEDIA GROUP LIMITED,  
MARILYN SMULDERS, TORSTAR  
CORPORATION, NATIONAL  
GEOGRAPHIC SOCIETY, XYZ  
FOUNDATION & JOHN DOES 1-50

DEFENDANTS

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REBUTTAL OF DEFENDANTS VAUGHN PERRET AND  
CHARLES LEARY TO PLAINTIFF'S RESPONSE TO VAUGHN PERRET  
AND CHARLES LEARY'S MOTION TO STRIKE

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COME NOW Defendants **Vaughn Perret** and **Charles Leary**, by and through their counsel, Purvis & Co. PLLC, and file this their Rebuttal to Plaintiff's Response [#119] in Opposition to Vaughn Perret and Charles Leary's Motion to Strike [#118], and would show that their Motion is well taken and should be granted because plaintiff has not filed a motion for leave to file out of time, not shown excusable neglect, not demonstrate a basis for denying the motion to strike and for the reasons discussed in their memorandum brief in support hereof which is filed contemporaneously herewith.

The defendants further incorporate by reference those matters stated in their original Motion to Strike [#118]. Defendants Leary and Perret respectfully move this Court to grant their Motion to

Strike the Plaintiff's Response in Opposition to Vaughn Perret and Charles Leary's Motion to Dismiss [#111] and for such general relief as the Court deems appropriate in the premises.

RESPECTFULLY SUBMITTED, this the 28<sup>th</sup> day of March, 2017.

VAUGHN PERRET, DEFENDANT  
and  
CHARLES LEARY, DEFENDANT

BY: PURVIS & CO. PLLC

BY: /s/ Jason B. Purvis  
Jason B. Purvis, MSB # 100873

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**CERTIFICATE OF SERVICE**

I hereby certify that, on **March 28, 2017**, I caused a true and correct copy of the above and foregoing to be filed utilizing the Court's CM/ECF electronic document filing system, which caused notice of such filing to be delivered to all counsel of record and parties requesting notice, and by United States First Class Mail, postage prepaid, to the following non-ECF participants having appeared in this action:

[none]

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*/s/ Jason B. Purvis*